

**ASSEMBLY BILL**

**No. 586**

**Introduced by Assembly Member Koretz**

February 18, 2003

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An act to add Chapter 2 (commencing with Section 68055.10) to, and to add a heading as Chapter 1 (commencing with Section 68055) to, Title 7.9, of the Government Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 586, as introduced, Koretz. Tobacco-related waste.

Existing law prohibits the smoking of tobacco in various public places.

This bill would prohibit any person, firm, or corporation from displaying or making available ashtrays or other receptacles designed for tobacco-related waste for use on the premises where smoking is prohibited by law, except under specified circumstances. It would also require any person, firm, or corporation that maintains an area where smoking is permitted by law to provide one or more receptacles for tobacco-related waste for use on the premises.

The bill would provide that a violation of the above provisions would constitute an infraction punishable by specified fines. The creation of new crimes would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. A heading is added as Chapter 1 (commencing with Section 68055) of Title 7.9 of the Government Code, to read:

CHAPTER 1. LITTER

SEC. 2. Chapter 2 (commencing with Section 68055.10) is added to Title 7.9 of the Government Code, to read:

CHAPTER 2. TOBACCO-RELATED WASTE

68055.10. (a) Except as provided in subdivisions (b) and (d), no person, firm, or corporation shall display or make available ashtrays or other receptacles designed for tobacco-related waste for use on the premises where smoking is prohibited by law.

(b) Notwithstanding subdivision (a), a receptacle for tobacco-related waste may be placed within five feet of a door available for public entry onto the premises.

(c) Any person, firm, or corporation that maintains an area where smoking is permitted by law shall provide one or more receptacles for tobacco-related waste for use on the premises.

(d) Notwithstanding subdivision (a), ashtrays may be sold or distributed to the public on premises where smoking is prohibited but only for use in areas where smoking is not prohibited.

68055.11. Any person, firm, or corporation that violates this chapter is guilty of an infraction, and upon conviction is subject to punishment by a fine of two hundred fifty dollars (\$250) for a first conviction, five hundred dollars (\$500) for a second conviction in connection with a violation at the same location within a five-year period, and one thousand dollars (\$1,000) for a third or subsequent conviction in connection with a violation at the same location within a five-year period.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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